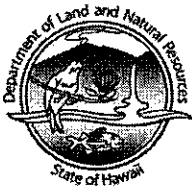


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
WATER, LAND, AND OCEAN RESOURCES**

**Monday, February 7, 2011
Time 9:00 A.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 227
RELATING TO TRESPASS**

House Bill 227 proposes to strengthen trespass provisions regarding a person who enters or remains unlawfully on unimproved or unused land by adding entering and remaining on unimproved or unused land that is fenced or enclosed, or with a "private property" sign, to the offense of criminal trespass in the second degree.

The Department of Land and Natural Resources (Department) supports this bill and recommends following amendment.

In its current form, this measure provides two alternatives to private property owners to protect their property from trespass – physical barriers designed to exclude intruders and appropriate signage. The Department believes that government entities should be afforded the same degree of protection from unlawful trespass as private property owners. To that end, the Department recommends the following amendment to the first sentence of proposed Section 708-814(d)(ii) in SECTION 2 of the bill:

"(ii) Have a sign or signs displayed on the unenclosed, unimproved, or unused land sufficient to give reasonable notice and reads as follows: "Private Property" or "Government Property – No Trespass," as appropriate."

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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